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10/579,280	01/25/2007	Anton Oppel	2003P01703WOUS	8244

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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
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3673

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/579,280	Applicant(s) OPPEL ET AL.	
	Examiner ALYSON M. MERLINO	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32,34-39,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32,34-39,43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 22-32, 34-39, 43, and 44, and the cancellation of claims 1-21, 33, and 40-42 filed 18 May 2010.

Claim Objections

2. **Claim 22 is objected to** because of the following informalities: Claim 22 should read as follows for clarification and in light of the rejection of claim 22 under 35 U.S.C. 112, second paragraph:

"An electric household applicant, comprising:

a receptacle for receiving items to be handled by the electric household appliance;

a door permitting access to the receptacle; and

a door lock for the door, the door lock having a frame located on the door with an opening for a hook, a gripping device movable between a locked position engaged with the hook and an unlocked position disengaged from the hook, a closing member movably mounted in the frame, a closing spring disposed between the closing member and a counter-bearing in the frame, an opening lever that can be gripped and moved by a user to move the closing member against the hook in order to rotate the gripping device towards the unlocked position, and means for selectively blocking movement of the closing member, the means for selectively blocking movement of the closing member being selectively positionable between a first position in which the means for selectively blocking movement of the closing member blocks a movement of the closing member towards the unlocked position; whereupon the blocked movement of the

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closing member operates as a child safety feature and a second position in which the means for selectively blocking movement of the closing member does not block movement of the closing member towards the unlocked position, whereupon the child safety feature is deactivated."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 22-32, 34-39, 43, and 44 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **In regards to claim 22**, it is unclear how the gripping device 20 can be "gripped and moved by a user to open the door," when it is clear from the specification and drawings that the gripping device cooperates with the hook and the opening lever 52 is the component that is gripped by a user to move the closing member 12 to rotate the gripping device and release the hook, as discussed in the claim objection above. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

6. **In regards to claim 26**, it is unclear how the means for selectively blocking is moved into the second position when it is clear that the second position is the deactivation of the means for selectively blocking, allowing the movement or operation of the closing member. If applicant is intending to claim that the means for selectively

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blocking is still engaging the closing member, but just moving down the notches of the locking head, then positions relating to this movement should be set forth in the claim. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

7. **In regards to claim 31**, it is unclear how claim 31 can depend from claim 28 when it is clear that the species recited in claim 31 is the species shown in Figures 10 and 11. It is clear that this species utilizes a separate structure, as discussed in Paragraph 63 of the amended specification. For examination purposes, this claim recites the same species as claim 34 and will be considered dependent upon claim 22 until further clarification from applicant.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 22, 24, 27, 28, 37, and 43 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Nozomu et al. (US-3799596) in view of Dimberger (DE 196 01 228 A1).

11. **In regards to claim 22**, Nozomu et al. discloses a device including a receptacle (apparent internal compartment of vehicle) for receiving items to be handled by the device, a door 20 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 located on the door (apparent from Figure 1) with an opening 10c for a hook 11, a closing member 13, a closing spring 16 disposed between the closing member and a counter-bearing (apparent pin portion of frame extending through component 13, Figure 1) in the frame, a gripping device 21, 12, with the closing member being operatively connected to the gripping device (apparent from Figure 1), and means 19 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 4), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 4) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from Figure 4), whereupon the blocked respective movement of the closing member operates as a child safety feature and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from

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Figure 1). Nozomu et al. fails to disclose that the device is an electric household appliance. Dirnberger teaches an electric household appliance (Paragraph 1) having a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, and a door lock (Figure 1) for the door. Since specifying that the door lock be used with an electric household device would not hinder the ability of the means to selectively inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the lock be used with an appliance in order to enhance the security of the appliance, and since Nozomu et al. discloses a door lock for a receptacle and associated door.

12. **In regards to claim 24**, Nozomu et al. discloses that the means for selectively blocking movement comprises a locking head 19c which, in the first position of the means for selectively blocking with the child safety feature activated, is inserted in a recess (opening in component 23 for end 19c, Figure 4) of a portion 23 of the frame (apparent from Figure 4) so that as a result of a positive connection between the locking head and the recess, any forces applied to the locking head are transferred to the recess (apparent from Figure 4).

13. **In regards to claim 27**, Nozomu et al. discloses that the closing spring is tensioned in an open position of the door lock (position shown in shadow in Figure 3), and wherein the gripping device (portion 12) is pressed against a part of the frame (stop portion of frame between reference characters 19 and 13, Figure 3) by the closing spring at a contact point (point of stop, Figure 3) when the door lock is in the open

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position. Nozomu et al. further discloses that the gripping device has a gripping latch 12 into which the hook is guided on passing through the opening in the frame (apparent from Figure 1) and has a contact surface (inner surface of latch that receives the hook, Figure 1) onto which the incoming hook presses, thereby causing a movement of the gripping device (movement of component 12, Figure 3), wherein the gripping device is shaped so that it rotates and the hook loses contact with the contact point as the hook presses into the gripping device (movement of component 12 from the position in shadow to the solid-lined position in Figure 3).

14. **In regards to claim 28**, Nozomu et al. discloses that the means for selectively blocking comprises a locking head 19c that is fixed to a pivoted shaft 18 by means of a pivoted lever (portion of component 19 between components 23 and 18, Figure 1) so that the locking head of the means for selectively blocking can execute a rotary movement between the first position and the second position (apparent that component 19 has pivoted into the position in Figure 4).

15. **In regards to claim 37**, Nozomu et al. discloses that the movement of the means for selectively blocking between the first and second positions to activate and deactivate the child safety feature can be accomplished from a top of the door using an actuating element (the actuating element being considered as the force from a collision, with the force being capable of being applied to a top of the door, Col. 3, line 56 – Col. 4, line 2).

16. **In regards to claim 43**, Nozomu et al. discloses that the closing spring biases the closing member towards a locked position (apparent from Figure 4).

Allowable Subject Matter

17. **Claims 23, 25, 26, 29-32, 34-36, 38, 39, and 44 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments, with respect to the rejections of claims 22-25, 28-32, 34-39, 43, and 44 under 35 U.S.C. 102(b) in view of Dirnberger and the rejection of claim 26 under 35 U.S.C. 103 have been fully considered and are persuasive. The rejections of claims 22-25, 28-32, 34-39, 43, and 44 under 102(b) in view of Dirnberger and the rejection of claim 26 under 35 U.S.C. 103 have been withdrawn.

19. The examiner agrees with applicant's remarks concerning the claim objection to claim 27, and therefore, the claim objection set forth in the previous office action is withdrawn.

20. The examiner appreciates applicant's amendments and remarks regarding claim 24, and therefore, the rejection of claim 24 under 35 U.S.C. 112, second paragraph, set forth in the previous office action is withdrawn.

21. In regards to applicant's remarks concerning the rejection of claim 26 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that the claim is still unclear whether these high forces are equivalent to a user operating or deactivating the means for selectively blocking under normal conditions. From applicant's remarks, it is clear that the means for blocking may also be moved into the second position by a high force when a user is attempting to open the door without

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manually moving the locking head of the means for blocking. The claim language is still unclear as to this distinction, and therefore, the rejection is maintained.

22. In regards to applicant's remarks concerning claim 31 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that claim 31 contradicts the limitations within claim 28 since the embodiment in Figures 2-6 clearly doesn't include the handle and gripping shell which are specific components to the embodiment in Figures 10 and 11, as discussed in Paragraph 63 of the specification. The claim should be dependent upon claim 22. Therefore, the rejection is maintained.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

AM
August 12, 2010